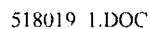


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

.  
.  
.: Mark: TIFFANY'S RESTAURANTS  
.  
.  
.: Serial No.: 76/520,262  
.  
.  
.: Opposition No. 91160913  
.  
.  
.:  
.X

Pursuant to 37 C.F.R. §§ 2.116 and 2.120 and Fed. R. Civ. P. 33 and 34, applicants Anthony Siragusa and Michael Romanelli (hereinafter "Applicants") submit the following Interrogatories and Requests For Production Of Documents And Things To Opposer, Tiffany (NJ) (hereinafter "Opposer"), and request that the specific and full answers to the Interrogatories, under oath, and production of the requested documents and things for inspection and copying, be provided to Applicants at the offices of Lerner, David, Littenberg, Krumholz & Mentlik, LLP, 600 South Avenue West, Westfield, New Jersey 07090, within thirty (30) days after service.



### **DEFINITIONS AND INSTRUCTIONS**

A. These Interrogatories and Requests for Production of Documents seek answers as of the date answered, but are also continuing so that any additional information relating to answers to these Interrogatories and Requests for Production of Documents which the Opposer acquires or which becomes known to Opposer up to and including the time for hearing shall be furnished to Applicant promptly after such information is acquired or becomes known.

B. As used herein, the term "document" is used in its customary broad sense and includes, without being limited thereto, all printed, recorded, filed, reproduced or written material or physical thing whatsoever.

C. As used herein "Opposer" means not only the named Opposer but also its agents, officers, employees, representatives and attorneys and any predecessors, subsidiaries, controlled companies and affiliated companies and their agents, officers, employees, representatives and attorneys to the extent that the context permits.

D. With respect to any document, the content of which or the production of which, Opposer will withhold under claim of privilege, the following information should be provided in lieu of the requested information:

- (1) The date, identity and general subject matter of each document;
- (2) The grounds for the refusal to produce the document;
- (3) The identity of each person who participated in the preparation of the document;
- (4) The identity of each person to whom the contents of the document were communicated;

- (5) A description of any other document or material transmitted with our attached to the document;
- (6) The number of pages in the document; and
- (7) Whether any business or nonlegal matter was contained or discussed in the document.

E. Whenever Opposer answers any interrogatory or document request by reference to records from which the answers may be derived or ascertained, as permitted under Rule 33(d) of the Federal Rules of Civil Procedure:

- (1) The identification of documents to be produced shall be in sufficient detail, such as by production number, to permit Applicants to locate and identify the records and to ascertain the answer as readily as Opposer;
- (2) Opposer shall make available any computerized information or summaries thereof that Opposer either has, or can adduce by a relatively simple procedure; and,
- (3) Opposer shall provide any relevant compilations, abstracts, or summaries in Opposer's custody or readily obtainable by Opposer.

## **INTERROGATORIES**

### **Interrogatory No. 1**

Describe in detail the full extent of Opposer's business, including all goods sold and services offered, in connection with use of the marks TIFFANY and TIFFANY & CO.

### **Interrogatory No. 2**

Identify all documents by or on behalf of Opposer which contain any statements describing or characterizing Opposer's business utilizing the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S.

### **Interrogatory No. 3**

Identify and describe all advertising and promotional activities conducted by or on behalf of Opposer with respect to Opposer's goods and service using the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, and provide all documents which refer or relate to such advertising and promotional activities.

### **Interrogatory No. 4**

Identify and describe representative specimens of Opposer's advertisements and promotional literature using the marks TIFFANY or TIFFANY'S, or containing the words TIFFANY or TIFFANY'S.

### **Interrogatory No. 5**

State for each calendar year since 1975, the dollar amount expended by Opposer in connection with advertising the marks TIFFANY or TIFFANY'S, or any marks containing the words TIFFANY or TIFFANY'S, and identify all documents which substantiate such advertising expenditures.

### **Interrogatory No. 6**

Identify each product since 1975 on which Opposer has used the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, and identify a label, package, sign, brochure or advertisement which substantiates the form of each such use.

### **Interrogatory No. 7**

For each product sold since 1975 using the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, state the sales of each such product on an annual basis from 1975 forward, and identify all documents which support, refer or relate to such sales.

**Interrogatory No. 8**

Identify the persons employed by Opposer who are most knowledgeable regarding the use of the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, by Opposer; and enforcement of trademark rights by Opposer.

**Interrogatory No. 9**

Describe in detail the manner in which customers may purchase goods from Opposer bearing the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S.

**Interrogatory No. 10**

Describe in detail all retail store locations of Opposer which have used the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, including for each such store location the annual sales of the store since 1975 and representative samples of each version of signage used in relation to the store.

**Interrogatory No. 11**

Describe in detail the facts and circumstances under which the Opposer first became aware of Applicants' use of the mark TIFFANY'S RESTAURANTS.

**Interrogatory No. 12**

Identify and describe in detail any opposition or cancellation proceeding, or trademark litigation or unfair competition action, relating in any manner to the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, in the United States or any foreign country, that Opposer has been involved in.

**Interrogatory No. 13**

Identify and describe in detail all filed Civil Actions involving trademarks that have involved Opposer and its TIFFANY or TIFFANY & CO. marks.

**Interrogatory No. 14**

Describe in detail all instances in which Opposer has charged, orally or in writing, formally or informally, any corporation, company, organization, association or individual with infringement of the marks TIFFANY or TIFFANY & CO., in the United States.

**Interrogatory No. 15**

Identify any third parties that Opposer has licensed, franchised, or otherwise authorized to use the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S.

**Interrogatory No. 16**

Identify and describe in detail all third party uses of marks which contain the words TIFFANY or TIFFANY'S, or any similar word of which Opposer is aware.

**Interrogatory No. 17**

Describe in detail Opposer's procedures and policies in regard to policing its TIFFANY and TIFFANY & CO. marks.

**Interrogatory No. 18**

Identify and describe in detail any instances or incidents of actual confusion or mistake or deception arising from the contemporaneous use of Opposer's marks TIFFANY or TIFFANY & CO., and Applicant's mark TIFFANY'S RESTAURANTS, or any other name of Applicant using the word TIFFANY, of which Opposer is aware.

**Interrogatory No. 19**

Identify and describe each poll, survey, consumer study, or other market research project commenced or completed by or on behalf of Opposer with respect to the marks TIFFANY or TIFFANY'S & CO., or any labeling, advertising, or promotion used or to be used by Opposer.

**Interrogatory No. 20**

Identify all surveys conducted by or on behalf of Opposer that have included reference to the word TIFFANY in any form.

**Interrogatory No. 21**

Provide a copy of each trademark search commissioned by or on behalf of Opposer for any mark containing the word TIFFANY or any similar word.

**Interrogatory No. 22**

Identify all studies, plans, marketing analyses, or other documents that refer or relate to any efforts by Opposer to expand use of its TIFFANY mark into restaurant services, and identify all documents which support, refer or relate to any such efforts.

**Interrogatory No. 23**

Identify all persons aware of any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any marks containing the words TIFFANY or TIFFANY'S, for restaurant services.

**Interrogatory No. 24**

Identify all documents that support, refer, or relate to any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any mark using the words TIFFANY or TIFFANY'S, for restaurant services, café services, and food services in Opposer's retail stores.

**Interrogatory No. 25**

Identify all documents that support, refer, or relate to any plan or consideration by Opposer to use the marks TIFFANY or TIFFANY'S, or any mark using the words TIFFANY or TIFFANY'S, for food services or restaurant services within its existing retail stores.

**Interrogatory No. 26**

Describe fully the origin of the term Tiffany as used in Opposer's marks and identify all documents that refer or relate to the origin.

**Interrogatory No. 27**

State the basis for your contention in paragraph 22 of the Notice of Opposition that "Courts and legislatures have deemed the TIFFANY mark to be a famous and distinctive mark entitled to protection from dilution," and identify all documents which support, refer or relate to such contention.

**Interrogatory No. 28**

Identify all studies, reports, marketing research or the like referring or relating to competitors of Opposer.

**Interrogatory No. 29**

Identify the entities that Opposer considers to be its 10 most direct competitors and all documents that support such an allegation.

**Interrogatory No. 30**

Identify all documents that refer or relate to the use of the name, word, or mark TIFFANY to refer to lamps.

**Interrogatory No. 31**

Identify all documents that refer or relate to any communication, contact, or correspondence between Opposer and the originator or owner of the TIFFANY mark for lamps.

**Interrogatory No. 32**

Identify all documents which refer or relate to Louis Comfort Tiffany and lamps.

**Interrogatory No. 33**

Provide a detailed description and organizational charts of Opposer's corporate structure.

**Interrogatory No. 34**

Identify each person whom Opposer expects to call as a witness, including experts, during its testimony and, for each such person, state the substance of the facts and opinions to which such witness is expected to testify, and identify all documents in which such witness intends to rely on for its testimony, or refers or relates to expected testimony.

**Interrogatory No. 35**

For each interrogatory, identify each person who was consulted to obtain information to answer such Interrogatory, who contributed information from which the answer to such Interrogatory was derived, and who prepared the answer to the Interrogatory.



## **DOCUMENT REQUESTS:**

### **Request No. 1**

All documents identified, or the identification of which is requested, or which refer or relate to Interrogatories Nos. 1-35 to Opposer.

### **Request No. 2**

All documents which form the file of submissions to and from the U.S. Patent and Trademark Office of Opposer's applications and registrations relating to any mark consisting in whole or in part of TIFFANY, or which refer or relate to such applications and registrations.

### **Request No. 3**

Copies of any trademark or servicemark searches made by or on behalf of Opposer relating to any mark consisting in whole or in part of TIFFANY or any similar marks.

### **Request No. 4**

Copies or samples of all labels, signs, containers, boxes, bags, packaging, advertising or the like which substantiates use of any mark consisting in whole or in part of TIFFANY by Opposer.

### **Request No. 5**

All documents which constitute, relate, or refer to any formal or informal research, including but not limited to investigations, surveys, tests, or studies, of any kind, which Opposer has conducted or has knowledge or pertaining to any of Opposer's marks consisting in whole or in part of TIFFANY, or Applicant's mark TIFFANY'S RESTAURANTS.

### **Request No. 6**

Copies of all advertisements, promotional literature, or other similar documents which refer or relate to any mark of Opposer consisting in whole or in part of TIFFANY.

### **Request No. 7**

Representative specimens or samples of all advertising and commercial material, brochures, product description materials and other literature which refer or relate to all products sold or distributed or services offered by Opposer in connection with any mark consisting in whole or in part of TIFFANY, including but not limited to, newspapers, magazines, trade journals, catalogs, packaging, price lists and other business materials which have been distributed by or on behalf of Opposer for each year from the date Opposer claims it first used such mark to the present date.

**Request No. 8**

Representative specimens or samples of labels, packaging, point-of-sale displays, letterheads, business cards and the like which demonstrate the full range of usage by Opposer for any mark consisting in whole or in part of TIFFANY for each year from the date Opposer claims it first used such mark to the present date.

**Request No. 9**

Copies of all market research, studies or surveys which refer or relate in any way to any mark of Opposer consisting in whole or in part of TIFFANY.

**Request No. 10**

Copies of all market research, studies or surveys which refer or relate in any way to any mark or name consisting in whole or in part of TIFFANY.

**Request No. 11**

All documents which refer or relate in any way to any instances of actual confusion with respect to any mark consisting in whole or in part of TIFFANY.

**Request No. 12**

All documents which refer or relate in any way to any instances of actual confusion between Applicant and Opposer with respect to any mark consisting in whole or in part of TIFFANY.

**Request No. 13**

All documents which refer or relate in any way to third party uses of any mark, identical to, or similar to, any mark of Opposer consisting in whole or in part of TIFFANY.

**Request No. 14**

All documents which refer or relate in any way to third party commercial use of the word TIFFANY.

**Request No. 15**

Documents which substantiate the amount of sales by Opposer of goods and services under the mark TIFFANY since 1975.

**Request No. 16**

Documents which substantiate any recognition of secondary meaning which Opposer may have for the mark TIFFANY.

**Request No. 17**

All documents which refer or relate to Applicant or to Applicant's mark.

**Request No. 18**

Documents sufficient to show Opposer's annual advertising expenses for goods and services marketed in connection with the mark TIFFANY since 1975.

**Request No. 19**

All documents which constitute, relate or refer to any assignment, license or other transfer of any rights to or from Opposer relating to any mark consisting in whole or in part of TIFFANY.

**Request No. 20**

All documents that refer to or relate to Opposer's decision to apply to register Opposer's applications and registrations in the United States Patent and Trademark Office in connection with any mark consisting in whole or in part of TIFFANY.

**Request No. 21**

All documents which refer or relate to all opposition or cancellation proceedings, trademark litigations or unfair competition actions relating in any manner to any mark consisting in whole or in part of TIFFANY in the United States or in any foreign country.

**Request No. 22**

All documents which refer or relate to all charges of infringement by or to Opposer with respect to any mark consisting in whole or in part of TIFFANY.

**Request No. 23**

All documents which refer or relate to any poll, survey, consumer study or other market research project commenced or completed by or on behalf of Opposer with respect to (a) any mark consisting in whole or in part of TIFFANY, or (b) any advertising or promotion used or to be used by Opposer in connection with any mark consisting in whole or in part of TIFFANY.

**Request No. 24**

Documents which refer or relate to any notice by Opposer of potentially infringing uses of trade names, trademarks or service marks by any other entity containing the words TIFFANY or TIFFANY'S.

**Request No. 25**

All documents which comprise, refer or relate to activities by Opposer in pursuing unauthorized uses of the word TIFFANY or TIFFANY'S as part of the name or mark of another company.

**Request No. 26**

Documents which refer or relate to any dictionary definition of the words TIFFANY or TIFFANY'S.

**Request No. 27**

Documents which refer or relate to any descriptive uses of the words TIFFANY or TIFFANY'S.

**Request No. 28**

Documents which refer or relate to any search or investigation by Opposer of any uses of names or marks containing the words TIFFANY or TIFFANY'S by any other company.

**Request No. 29**

All documents which refer or relate to any of the following:

- (a) the applications filed by Opposer to register the marks TIFFANY or TIFFANY & CO.;
- (b) any alleged infringement or dilution by Applicants; and
- (c) the decision to institute the present action.

**Request No. 30**

Copies of any trademark or service mark searches made for or by Opposer relating to any word consisting in whole or in part of Tiffany.

**Request No. 31**

Copies of all labels, signs, containers, advertising or the like which substantiates use of the marks TIFFANY or TIFFANY'S alone.

**Request No. 32**

All advertisements, promotional literature, or other similar documents which refer or relate to the marks TIFFANY or TIFFANY'S alone.

**Request No. 33**

Copies of all labels, signs, containers, advertising or the like which substantiates use of the marks TIFFANY or TIFFANY'S alone.

**Request No. 34**

Documents which substantiate the amount of sales by Opposer of goods bearing the marks TIFFANY'S or TIFFANY'S & CO.

**Request No. 35**

All documents which refer or relate to the selection and adoption of the marks TIFFANY and TIFFANY'S & CO.

**Request No. 36**

All documents which refer or relate to the meaning of the word Tiffany.

**Request No. 37**

All documents exchanged between Opposer and the other parties involved in any opposition or cancellation proceeding, trademark litigation, or unfair competition action, relating in any manner to the marks TIFFANY or TIFFANY'S, or any mark containing the words TIFFANY or TIFFANY'S, in the United States or any foreign country.

**Request No. 38**

All documents charging a third party, or referring or relating to any charge to a third party, with infringement of the marks TIFFANY or TIFFANY & CO.

**Request No. 39**

All documents evidencing third party uses of the mark TIFFANY, or any mark containing the words TIFFANY or TIFFANY'S.

**Request No. 40**

All documents referring or relating to actual confusion between Opposer's marks TIFFANY or TIFFANY & CO. and Applicant's mark TIFFANY'S RESTAURANTS.

**Request No. 41**

All documents which refer or relate to use of the word TIFFANY in association with lamps.

**Request No. 42**

All studies, reports, marketing research or marketing documents which identify, refer or relate to competitors of Opposer.

**Request No. 43**

All feasibility studies, reports, research studies, or the like referring or relating to any plans of Opposer to expand into the restaurant or food service industry.

**Request No. 44**

All reports, including drafts prepared by or on behalf of any expert witness whose opinions will be presented at trial.

**Request No. 45**

All documents provided to, reviewed by or relied upon by any expert witness whose opinions will be presented at trial.

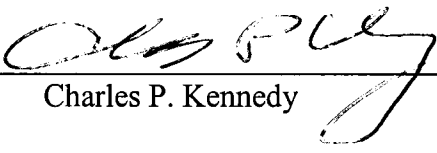
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West, Ste. 300  
Westfield, NJ 07090-1497

Tel: 908 654 5000

Fax: 908 654 7866

*Attorneys for Applicants Anthony Siragusa and  
Michael Romanelli*

Dated: October 25, 2004

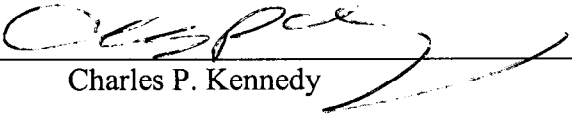
By:   
Charles P. Kennedy

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the within APPLICANTS INTERROGATORIES NOS. 1-35 AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS NOS. 1-45 TO OPPOSER, was served upon the following counsel of record this 25th day of October, 2004, as follows:

**VIA FIRST-CLASS MAIL:**

Barbara A. Solomon  
Zoe Hilden  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 United Nations Plaza  
New York, NY 10017  
*Attorneys for Opposer Tiffany (NJ) Inc.*

  
Charles P. Kennedy

File No.: GOOSES 10.2A-001  
Opposition No. 91160913